

**REAL ESTATE APPRAISER LICENSURE
AND CERTIFICATION BOARD**

June 9, 2011

Minutes

Mr. Johnson called the meeting to order at 9:20 a.m. in Conference Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with Ind. Code § 25-34.1-8-4.

Members Present:

Wayne Johnson, Chairman
Joe Traynor, Appraiser Member
John Newlin, Vice Chairman
Ron Kohart, Consumer Member
Lowell K. Griffin, Appraiser Member
Liz Stoll, Lender Member

Members Absent:

Terry Watson, Appraiser Member

State Officials Present:

Jeanette Roberts, Director
Eric Felde, Litigation Specialist
Jodi Pisula, Case Manager
Jim Schmidt, Deputy Attorney General

Reporter: Accurate Reporting

I. CHAIRMAN'S REPORT

The Chairman did not have a report.

II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

Ms. Gabrielle Owens gives her report. She claims that they have a record low in complaints filed with the AG's office. She thinks it may be due to the discipline issued in the past. She indicates that there are higher complaints against real estate professionals.

Board Member Griffin asks if what they do with complaints filed with them as a result of a ruling with the state tax board. Ms. Owens states they get very few complaints for those types. Board Member Traynor asks about commercial property complaints and she again states that they don't get very many at all and Mr. Traynor says that he can put her in touch with the person that is worried that his complaint was not pursued.

She reports that there are 66 cases currently under investigation, 25 new cases filed in the last year, 19 cases closed in the last year, 51 complaints resolved in the last year, the average age of open cases is 177 days and the average age of open litigation complaints is 386 days. She submitted a printed report.

Chairman Johnson asks if the board could get a list of consumer complaints, the date received and the status of each. Ms. Owens reluctantly agreed.

III. ADOPTION OF THE MINUTES FROM THE APRIL 14, 2011 MEETING OF THE BOARD

A motion was made and seconded to approve the minutes from the April 14, 2011 meeting.

Newlin/Traynor
6/0/0 Motion carried.

IV. STATUS OF LICENSEES ON PROBATION

Eric Felde, Compliance Director, provided the Board with a report on the licensees on probation.

V. ADMINISTRATIVE HEARINGS

A. In the matter of the license of Anthony Lehn (*Continued*)

REAB 10-28
Re: Disciplinary Hearing

B. In the matter of the license of Kent Stanley (*Continued*)

REAB 10-32
Re: Disciplinary Hearing

C. In the matter of the license of Christopher Brooks

REAB 08-25
Re: Disciplinary Hearing

Present:

William Lawson, Deputy Attorney General
Respondent not present.

The state asks for a Notice of Proposed Default.

A motion was made and seconded to issue a Notice of Proposed Default.

Traynor/Newlin
6/0/0 Motion carried.

D. In the matter of the license of Richard A. Hestand, II

REAB 11-03
Re: Disciplinary Hearing

Present:

William Lawson, Deputy Attorney General
Respondent not present

The state asks for a continuance.

A motion was made and seconded to continue the hearing.

Newlin/Traynor
6/0/0 Motion carried.

E. In the matter of the license of Ryan T. Knoll

REAB 09-66

Re: Request for Withdrawal of Probation

Present:

Ryan Knoll, Respondent
Lisa Wolfe, Deputy Attorney General

A motion was made and seconded to terminate the probation.

Traynor/Kohart
6/0/0 Motion carried.

F. In the matter of the license of Ty Franklin Ostrognai

REAB 09-49

Re: Request for Withdrawal of Probation

Present:

Ty Ostrognai, Respondent
Lisa Wolfe, Deputy Attorney General

A motion was made and seconded to terminate the probation.

Newlin/Johnson
6/0/0 Motion carried.

G. In the matter of the license of Dan A. Wait

REAB 08-22

Re: Request for Withdrawal of Probation

Present:

Dan Wait, Respondent
Lisa Wolfe, Deputy Attorney General

A motion was made and seconded to terminate the probation.

Griffin/Traynor
6/0/0 Motion carried.

H. In the matter of the license of Melinda D. Jones

REAB 10-23

Re: Petition for Reinstatement from Suspension

Present:

Melinda Jones, Respondent

William Lawson, Deputy Attorney General

A motion was made and seconded to reinstate with board ordered costs already submitted plus the \$5 records fee within 90 days. Reinstatement stayed until she pays the costs and \$5 records fee.

Traynor/Griffin

6/0/0 Motion carried.

VI. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. In the matter of the license of Douglas Carpenter

REAB 11-01

Re: Motion for Voluntary Dismissal

A motion was made and seconded to approve the motion to dismiss.

Traynor/Griffin

5/0/0 Motion carried.

B. In the matter of the license of Sharon M. Leveque

REAB 10-29

Re: Motion for Voluntary Dismissal

A motion was made and seconded to approve the motion to dismiss.

Griffin/Stoll

5/0/0 Motion carried.

C. In the matter of the license of Gary Nunley

REAB 09-18

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

Traynor/Stoll

4/0/1 Motion carried. (Johnson recused)

D. In the matter of the license of Gregory Thomas Wilks

REAB 10-18

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

Traynor/Kohart
5/0/0 Motion carried.

E. In the matter of the license of Darrin Hubbard

REAB 09-42

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

Griffin/Kohart
5/0/0 Motion carried.

F. In the matter of the license of Tamara J. Hatfield

REAB 07-67

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

Traynor/Griffin
5/0/0 Motion carried.

VII. APPLICATION REVIEW

A. Certified Residential Applications

1. Robert Allard
2. Margaret Fadeley
3. Bradley Dwenger
4. Debra Hunt

B. Certified General Applications

1. Shelley Smaltz
2. Joseph Alerding, Jr.

A motion was made and seconded to approve all of the applications listed above.

Stoll/Traynor
5/0/0 Motion carried.

VIII. CONTINUING EDUCATION COURSE REVIEW

1. **ASFMRA**
Financial Reporting Affecting Valuation in US and Global Markets 7 hours

Using Excel in Specific Appraisal Applications	7 hours
Cutting Edge Technologies & Resources	7 hours
2. Northern Michigan University	
Inside Look: A Detailed Guide to the Uniform Appraisal Dataset	3 hours
3. NAIFA	
Uniform Appraisal Dataset Requirements	4 hours
4. APPRAISAL INSTITUTE	
Worldwide ERC Relocation Appraising	7 hours

A motion was made and seconded to approve all of the applications listed above.

Traynor/Kohart
5/0/0 Motion carried.

IX. CE AUDIT REVIEW

A. Michael Drew Re: Petition for Reinstatement from Suspension

A motion was made and seconded to lift the suspension on the license.

Traynor/Stoll
5/0/0 Motion carried.

X. OLD/NEW BUSINESS

A. Vicki Ledbetter, Appraisal Subcommittee with Denise Graves, Deputy Director of the ASC. They have completed their review and are reporting their findings:

For IPLA, application files look good. She likes that staff call them with questions. Temporary permits were fine. Reciprocal application were fine as well, although not required, they are recommended. CE approvals were appropriate. Some issues are regulations are inconsistent with AQB criteria. She will specify in her report what rules need to be modified. For example, 876 IAC 3-3-13.1(a).

For Enforcement: 283 complaints outstanding, 175 are in process more than a year, oldest 2006, 2007(10), 2008 (13), and rest are 2009 to, present. Investigations are done mostly timely, but additional complaints come in afterwards so they end up taking longer while they are updated. They feel these complaints should still be dealt with in a timely manner. Warning letters are signed off on by designee. Quick close is those that are ones that should not be handled by the AG's office – he owes me money, he was rude, etc... The board requested a report each meeting that more closely resembles the report prepared for ASC. Jennie Beller of the AG's office explains that it takes at least two days to prepare that report and she will see what she can do with their new computer system.

B. Supervisors rule discussion

The Board is ready to move forward with the rule. Staff will email Mark Ratterman copy of final draft.

C. USPAP rule discussion

Board Member Traynor states the 6 months is self-imposed, and they have no problem with us tying our USPAP to the renewal cycle. The Board is ready to go forward with the rule that is being worked on.

D. Email from Nancy Heavilin

The Board does not want to get involved with fees, as this is an issue to be addressed to the Federal ASC; in general, the letter seemed more appropriately sent to the ASC; thank her for her input and let her know the Board reviewed the correspondence. The Board felt the issues fall under the jurisdiction of the ASC.

E. Letter from Larry D. Burks; Request for reversal of surrender

The board speaks with Mr. Burks and explains that they cannot reverse the decision but will be able to provide any documentation needed to the ASC to assist him.

F. Cease and Desist protocol

Mr. Schmidt explained the new process by which the Board can address unlicensed practice with a cease and desist order. Board determined to delegate to Director and Compliance Director the authority to file complaint, and delegate the authority to make a determination on whether to issue order to show cause to the Chair and Vice-Chair.

A motion was made and seconded to approve the delegation.

Traynor/Stoll
5/0/0 Motion carried.

G. ASC Fee Increase rule

The Director gave an update on status as rule heads to IREC meeting in August.

H. Compliance designee

As issues arise that need to be reviewed in regards to compliance and unlicensed practice, a motion was made and seconded to assign the Chair or Chair's designee to act in that role.

Traynor/Griffin
5/0/0 Motion carried.

XVI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Appraiser Licensure and Certification Board adjourned at 2:45 p.m.

Wayne Johnson, Chairman